

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION FORMALLY INITIATING THE LOS OSOS VALLEY GROUNDWATER BASIN BOUNDARY MODIFICATION REQUEST WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES AND FIND THE PROJECT EXEMPT FROM SECTION 21000 ET SEQ. OF THE CALIFORNIA PUBLIC RESOURCES CODE (CEQA)

The following resolution is hereby offered and read:

WHEREAS, in 2014, the California Department of Water Resources (DWR) published its Final California Statewide Groundwater Elevation Monitoring Basin Prioritization results, designating five groundwater basins located in whole or in part within the County of San Luis Obispo as high or medium priority basins: Paso Robles, Santa Maria, Los Osos, San Luis Obispo Valley, and Cuyama Valley; and

WHEREAS, the Los Osos Valley Groundwater Basin (DWR Bulletin 118 Basin No. 3-8) is designated as a high priority basin; and

WHEREAS, California Senate Bills 1168 and 1319 (2014), and Assembly Bill 1739 (2014), signed by the Governor in September 2014 and effective as of January 1, 2015, together comprise the Sustainable Groundwater Management Act (SGMA); and

WHEREAS, SGMA requires local agencies to manage groundwater in high and medium priority basins “in a manner that can be maintained during the planning and implementation horizon without causing undesirable results” (Water Code § 10721(v)); and

WHEREAS, SGMA does not apply to the basin at issue in *Los Osos Community Services District v. Southern California Water Company [Golden State Water Company] et al.* (San Luis Obispo County Superior Court Case No. CV 040126) (Groundwater Litigation) provided that certain requirements are met (Water Code § 10720.8(d)).

WHEREAS, on January 13, 2015, the Board of Supervisors, on behalf of both the County of San Luis Obispo and the San Luis Obispo County Flood Control and Water Conservation District, adopted a SGMA strategy and directed staff to implement the policy—focusing resources on implementation in high and medium priority basins first; and

WHEREAS, among SGMA’s first statutory deadlines is the deadline for DWR to update its Bulletin 118 Report and modify basin boundaries as needed to reflect DWR-approved scientific and jurisdictional information; and

WHEREAS, on October 21, 2015, in accordance with Water Code §§ 10722.2 and 12924, DWR adopted emergency regulations regarding the information that must be submitted by a local agency in order to request that DWR modify the current Bulletin 118 boundaries (23 CCR §§ 340 et seq.) (DWR Boundary Regulations); and

WHEREAS, on October 14, 2015, Judge Martin J. Tangeman of the San Luis Obispo Superior Court signed an order approving the Stipulated Judgment and the Updated Basin Management Plan (Basin Plan) for the Los Osos Groundwater Basin in the Groundwater Litigation, and created the Los Osos Basin Management Committee to implement both; and

WHEREAS, on December 14, 2015, the Los Osos Basin Management Committee took action to request that the County submit a notice of intent to explore a basin boundary modification for the Los Osos Valley Groundwater Basin; and

WHEREAS, pursuant to Section 343.9(a) of the DWR Boundary Regulations, on January 5, 2016, the County Board directed staff to submit an initial notification of intent to explore a boundary modification for the Los Osos Valley Groundwater Basin to DWR, and to coordinate with basin users to develop a boundary modification request in accordance with the DWR Boundary Regulations; and

WHEREAS, County staff contracted with Cleath-Harris Geologists Inc. to develop a technical memorandum with the necessary scientific justification, as required by the regulations, to support a potential scientific boundary modification request; and

WHEREAS, County staff published the draft technical memorandum, provided written materials describing the draft proposed modification request and the process by which the public could participate, and hosted a public workshop to further convey this information and allow discussion amongst stakeholders; and

WHEREAS, pursuant to Section 344.8 of the DWR Boundary Regulations, County staff communicated with affected agencies and affected systems within the basin to provide notice of the potential boundary modification request, and to provide an opportunity for such entities to support or oppose a proposed boundary modification; and

WHEREAS, pursuant to Section 344.2 of the DWR Boundary Regulations, the County, as the Requesting Agency, is required to adopt a resolution that formally initiates the boundary modification request; and

WHEREAS, the County acknowledges that DWR has responsibility to review the proposed boundary modification request and has discretion to determine whether an external boundary modification or formation of a separate subbasin is appropriate.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, that:

1. The County of San Luis Obispo hereby formally initiates the Los Osos Valley Groundwater Basin boundary modification request in accordance with the DWR Boundary Regulations, and a map of the proposed boundary modification is attached hereto as Exhibit A and incorporated herein by this reference.

2. The Director of Public Works, or his designee, is hereby authorized to act as the "Requesting Manager" and is directed to submit a signed copy of this Resolution and required boundary modification request materials to DWR, and to coordinate with DWR as needed throughout the subsequent review and approval process.
3. The Project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA), because it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment (State CEQA Guidelines § 15061(b)(3)).

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAINING:

the foregoing Resolution is hereby adopted on the ____ day of _____, 20____.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: March 3, 2016

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STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____
day of _____, 20_____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

By _____
Deputy Clerk.

EXHIBIT A
MAP OF PROPOSED BOUNDARY

